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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/637,806	08/11/2000	Douglas W. Versaw	S123	7708

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EXAMINER

BOEHLER, ANNE MARIE M

ART UNIT PAPER NUMBER

3611

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/637,806

Applicant(s)

VERSAW, DOUGLAS W.

Examiner

Ann Marie M Boehler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Kauffman.

Kauffman shows, in Figure 4, an extension piece 22 for a horizontal trailer tongue 40. The extension piece includes a front attachment 56 for removable connection to a hitch mechanism and a rear attachment 45b connectable to the trailer tongue. The extension has a height difference between its front and rear attachments, which, when installed, equals the height difference between the tow hitch and the trailer tongue. The rear end of the extension piece is removably attached to the trailer by removable bolt 49 (see col. 4. lines 14-16, which indicates the extension is removed from the channel beam 40 by removing pins 47 and 49).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-6, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alford.

Alford shows a motorcycle hitch assembly with first and second side members 30, 32, which are bend to be concave down and which are removably attached to the motorcycle frame. A cross member 35 interconnects the side members and supports a ball hitch 18. The side members fit inside the fender. The ball hitch is removably connected to the cross member via a releasable attachment 26 and/or by a removable nut 22.

Alford shows ends of the side members extending farther down than the cross member. It would have been an obvious design choice to trim the ends of the side members, which serve no apparent purpose, in order to reduce the overall weight of the hitch assembly.

5. Claims 1, 2, 4-6, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alford in view of Maier.

Alford shows a motorcycle hitch assembly with first and second side members 30, 32, which are bend to be concave down and which are removably attached to the motorcycle frame. A cross member 35 interconnects the side members and supports a ball hitch 18. The side members fit inside the fender. The ball hitch is removably connected to the cross member via a releasable attachment 26 and/or by a removable nut 22.

Alford shows the ends of the side members extending farther than the cross member.

Maier shows a ball hitch mount for a small straddle seat vehicle including a pair of side members 34, 36, and a front cross member 30 on which the ball hitch 16 is mounted. The ball hitch is mounted via a tubular receiver which does not extend beyond the rearward most edge of the cross member. Maier indicates the receiver may be round, as shown, or square.

It would have been obvious to one of ordinary skill in the art to terminate the ends of the cross members of the Alford hitch side members at the cross member and have the hitch receiver extend no farther than the rearward most edge of the side members, as taught by Maier, in order to provide a smooth rear edge for the mounting which lessens the likelihood of injury due to contact with the hitch and receiver.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alford as applied to claim 1 above, and further in view of McIntosh.

Alford lacks a means for leveling the trailer when the trailer and motorcycle are coupled.

McIntosh shows a ball hitch height adjustment mechanism which allows for leveling of a trailer when the trailer is attached to a towing vehicle.

It would have been obvious to one of ordinary skill in the art to provide a height adjustment mechanism for the Alford hitch assembly, as taught by McIntosh, in order to adjust the height and angle of the connection for stable towing.

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7. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman in view of Lazar.

Kauffman is silent regarding a pin for removably connecting the hitch socket to the extension. However, this arrangement is conventional and demonstrated by Lazar, which shows a transverse bolt for removably connecting hitch socket 26 to trailer tongue 24.

It would have been obvious to one of ordinary skill in the art to removably connect the hitch cup or socket 56 of Kauffman to arm 22 using a transverse pin, as is old and well known and taught by Lazar, in order to remove the socket for routine maintenance and repair.

8. Applicant's arguments filed June 30, 2003 have been fully considered but they are not persuasive.

Applicant argues that claim 7 now defines over Kauffman because Kauffman shows a pivot pin 47 rather than a removable in. However, in col. 4, lines 14-16, Kauffman indicates that the bar 22 can be removed by removing pins 47 and 49. Therefore, removable connection of the bar 22 is clearly taught in the Kauffman reference.

Regarding claims 1-6, 10-13, removing a small amount of unused material is not believed to be a patentable distinction. Also, the Maier reference clearly teaches terminating side mount members, as well as the receiver, at the cross bar and provides a number of reasons for doing so.

9. Applicant's arguments with respect to claims 1-6 and 10-13 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M Boehler whose telephone number is 703-308-0422. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

*amb* 9/29/03

Anne Marie M. Boehler  
Primary Examiner  
Art Unit 3611

amb